

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TERRANCE LEDERR LAVOLL,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., *et al.*,

Respondents.

Case No. 2:15-cv-00464-JCM-GWF

ORDER

This *pro se* habeas matter is before the court on an order to show cause. As the court explained previously, petitioner's submission is insufficient to initiate federal habeas proceedings (ECF No. 7, p. 1). Moreover, this court's docket reflects that petitioner Lavoll filed a previous federal habeas petition challenging this judgment of conviction, which was denied on the merits (ECF No. 7, p. 2; 2:08-cv-00011-PMP-GWF). 28 U.S.C. § 2244(3)(A) provides: "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." The instant purported petition is a successive petition, which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeals to pursue. *See* 28 U.S.C. § 2244(b)(3) et seq.

On June 10, 2015, this court issued a show-cause order directing petitioner to demonstrate that this petition should not be dismissed as a second or successive petition and to file an amended petition

1 in conformance with that order (ECF No. 7). More than the allotted time has elapsed, and petitioner
2 has failed to respond to this court's order in any way. Accordingly, this habeas action is dismissed as
3 improperly commenced and second and successive.


4 **IT IS THEREFORE ORDERED** that this habeas action is **DISMISSED** as improperly
5 commenced and as second and successive.

6 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF No.
7 2) is **DENIED** as moot.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists of
9 reason would not find the court's dismissal of this petition to be debatable or incorrect.

10 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
11 case.

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13 Dated this 28th day of October, 2015.

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15 UNITED STATES DISTRICT JUDGE
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